

# BROWN RAYSMAN

BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP

## FACSIMILE COVER SHEET

From: Seth H. Ostrow Date: June 2, 2003  
Direct Dial: 212-895-2040 Client/Matter #: 4982/5

**PLEASE DELIVER AS SOON AS POSSIBLE TO:**

Recipient	Company	Fax No.	Phone No.
1. Ms. Ella Colbert	U.S. Patent and Trademark Office Crystal Park 5, 7 <sup>th</sup> Floor	703-746-5622	703-308-7064

Total number of pages including this page:  
If you do not receive all the pages, please call **(212) 895-2000.**

Please  
Entel.  
EC  
6-3-03

DWAD.W  
enver  
Dont w

**Message:**

Re: U.S. Patent Application Serial No. 09/354,058

Please Note: the information contained in this facsimile message is privileged and confidential, and is intended only for use of the individual named above and others who have been specifically authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, or if any problems occur with transmission, please notify sender or the mail room by telephone: (212) 895-2000. Thank You.

BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP

900 THIRD AVE NY NY 10022 T 212-895-2000 F 212 895-2900 brownraysman.com

BRMFS1 408138v1

Received from <2128952900> at 6/2/03 5:39:54 PM [Eastern Daylight Time]

ATTORNEY DOCKET NO. 4982/5  
PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : John CRESCENTI et al.  
Serial No. : 09/354,058 Examiner: Ella Colbert  
Filed : July 15, 1999 Group Art Unit: 2172  
Title : HIERARCHICAL BACKUP AND RETRIEVAL SYSTEM

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Madam:

This is in response to the Office Action dated September 30, 2002 and follows a Request for Continued Examination on January 30, 2003 and an interview with the Examiner conducted May 20, 2003 at the United States Patent and Trademark Office.

IN THE ABSTRACT

Please delete the following text of the Abstract, which appears on page 29, lines 9-15, and reads "Thus, the first software agent can direct or alter the parameters of the second software agent to define a new backup regimen for the backup cell controlled by the second software agent. Or, if the second software agent fails or cannot function properly, the first software agent can direct the backup of the second cell. The software agents need not operate on separate computing devices. Additionally, a backup hierarchy may be achieved using the communication and control techniques of the software agents."